

11 - 20 - 07

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Dated: June 1, 2006

In re Application of:  
**DAVID J. EDLUND, ARNE LAVEN, WILLIAM A. PLEDGER**  
and **CURTISS RENN**

Serial No. : 10/810,960  
Filing Date : March 25, 2004  
For : OXIDANT-ENRICHED FUEL CELL SYSTEM

**Mail Stop 16**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**REQUEST FOR REFUND**

The applicants of the above-identified patent application request a refund to Deposit Account No. 11-1540 in the amount of \$2,160.

On April 24, 2006, Applicants submitted an appeal brief to the U.S. Patent and Trademark Office, along with a check in the amount of \$500 for payment of the fee for filing a brief in support of an appeal.


On May 3, 2006, the U.S. Patent and Trademark Office charged our deposit account a total of \$2,160 in extension fees.

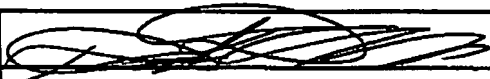
Applicants submit that no extension fees were required. As stated in the Notice of Panel Decision from Pre-Appeal Brief Review (copy enclosed), the deadline for filing an appeal brief was reset to one month from the March 24, 2006 mailing date of the Decision, and Applicants' appeal brief was filed on April 24, 2006.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/810,960	
	Filing Date	March 25, 2004	
	First Named Inventor	David J. Edlund	
	Art Unit	1745	
	Examiner Name	Tracy Mae Dove	
Total Number of Pages in This Submission	11	Attorney Docket Number	NPW 357

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund (second request) <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard Copy of Original Request for Refund with attachments
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Kolisch Hartwell, P.C.		
Signature			
Printed name	David S. D'Ascenzo		
Date	November 16, 2007	Reg. No.	39,952

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	
Typed or printed name	David S. D'Ascenzo

Adjusted Date: 05/03/2008  
 Filed Date: 11/16/2007  
 Serial Number: 10810960  
 Class: 1140.00 LR

10810960

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**PATENT**

SN/Pat. No. 10/810,960 KH File No. NPW 357 Atty/Assl. DSD:rld  
Applicant(s) David J. Edlund et al. Date June 1, 2006  
Title OXIDENT-ENRICHED FUEL CELL SYSTEM

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

☐ PA w/ ☐ sheets of drawings ☒ Transmittal  
☐ Declaration / Power of Attorney ☐ Small Entity Status  
☐ Assignment ☐ Extension of Time ☐ mos.  
☐ Response to OA dated: ☐ Correction of Filing Receipt  
☐ Issue Fee / Publication Fee ☐ Maintenance Fee No. ☐  
☐ Response to MP dated: ☐ Fee Transmittal  
☐ Information Disclosure Statement (with ☐ PTO-1449 forms and ☐ references)

☒ Other REQUEST FOR REFUND

☒ Other Copies of Notice of Panel Decision, Transmittal, Postcard, Deposit  
Account Statement

☐ Check for \$ ☐ Other


☒ Certificate of Mailing ☒ First Class ☐ Express Mail No. ☐

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**UNITED STATES DEPARTMENT OF COMMERCE**  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Application Number</b> 	<b>Application/Control No.</b>		<b>App. Unit(s)/Patent under Reexamination</b>	
	10/810,960		EDLUND ET AL.	
	Dove		Art Unit	
		1745		
<b>Document Code - AP.PRE.DEC</b>				

## Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 10/13/05.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-3, 10, 13, 16, 19, 20, 27-29, 31, 33-36 and 44-68.

Claim(s) withdrawn from consideration: \_\_\_\_\_

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) Tracy Dove *Tracy Dove*

(2) Patrick Ryan *Patrick Ryan*

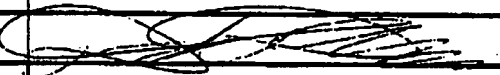
(3) Robert Warden *RW*

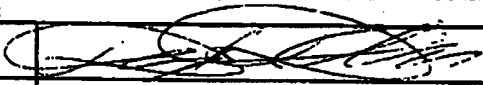
(4) \_\_\_\_\_

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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Kolisch Hartwell, P.C.		
Signature			
Printed name	David S. D'Ascenzo		
Date	April 24, 2006	Reg. No.	39,952

CERTIFICATE OF TRANSMISSION/MAILING			
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Signature			
Typed or printed name	David S. D'Ascenzo	Date	April 24, 2006

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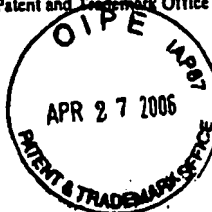
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SN/Pat. No. 10/810,960 KH File No. NPW 357 Atty/Asst. DSD:rld  
Applicant(s) David J. Edlund et al. Date April 24, 2006  
Title OXIDANT-ENRICHED FUEL CELL SYSTEM

☐ PA w/ ☐ sheets of drawings  
☐ Declaration / Power of Attorney  
☐ Assignment  
☐ Response to OA dated: \_\_\_\_\_  
☐ Issue Fee / Publication Fee  
☐ Response to MP dated: \_\_\_\_\_



☒ Transmittal  
☐ Small Entity Status  
☐ Extension of Time \_\_\_\_\_ mos.  
☐ Correction of Filing Receipt  
☐ Maintenance Fee No. \_\_\_\_\_  
☒ Fee Transmittal (in duplicate)

☐ Information Disclosure Statement (with      PTO-1449 forms and      references)  
☒ Other BRIEF FOR APPELLANT  
☒ Other CLAIMS APPENDIX, EVIDENCE APPENDIX, RELATED PROCEEDINGS APPENDIX  
☒ Check for \$ 500.00 Other       
☒ Certificate of Mailing ☒ First Class      Express Mail No.      By SA Date 11/10/10

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**Deposit Account Statement**

**Requested Statement Month:**

May 2006

**Deposit Account Number:**

111540

**Name:**

KOLISCH HARTWELL, P.C.

**Attention:**

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**Country:**

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DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
05/01	2	6450854		9204	-\$450.00	\$17,970.33
05/01	162	78872344	UGA 4V1	7001	\$325.00	\$17,645.33
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05/02	11	PCT/US06/09522	MAT 3R4PCT	1602	-\$700.00	\$18,295.33
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05/03	2	10810960	NPW 357	1253	\$1,020.00	\$16,475.33
05/03	3	10810960	NPW 357	1255	\$1,140.00	\$15,335.33
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05/05	52	78255704	RTK 490	7004	\$150.00	\$12,660.33
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05/05	268	2400168	BYD 4E2	7208	\$200.00	\$12,360.33
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05/05	692	1984657	CSM 410	7201	\$400.00	\$11,860.33
05/05	693	1984657	CSM 410	7206	\$100.00	\$11,760.33
05/05	694	1984657	CSM 410	7203	\$100.00	\$11,660.33
05/09	175	E-REPLENISHMENT		9203	-\$10,000.00	\$21,660.33
05/12	73	11404721		8021	\$40.00	\$21,620.33
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